

REQUEST FOR APPROVAL

**Approval of
Compostable Materials, Transfer/Processing Regulations**

Department of Resources Recycling and Recovery

2015



Purpose of Regulations

- ▶ The central purpose is to protect public health and safety, and the environment by more effectively regulating solid waste facilities that handle compostable material
- ▶ The regulations more effectively regulate facilities by:
 - ▶ Modifying Compostable Material Handling Operations and Facilities Regulatory Requirements
 - ▶ Providing a standardized regulatory framework for in-vessel digestion activities
 - ▶ Providing clarifications to the solid waste facilities joint permit application

Regulation Development Process

▶ Informal Development (2011 - 2013)

- ▶ Discussion documents
- ▶ Workshops
- ▶ Draft text

▶ Formal Rulemaking (Oct. 2014 - Present)

- ▶ 45-day Comment Period (Oct. 10 - Dec. 5, 2014)
- ▶ First 15-day Comment Period (Apr. 21 - May 6, 2015)
- ▶ Second 15-day Comment Period (Jun. 29 - Jul. 14, 2015)

Key Changes

§17868.3.1 Physical Contamination Limits

Physical contaminant limit of 0.5%

- ▶ Film plastic no more than 20% of the 0.5%
- ▶ EA can require operator to send sample to a lab
- ▶ Effective January 1, 2018

Key Changes

§17852(a)(24.5) Land Application

- ▶ Before land application, compostable material must meet physical contaminant limits
- ▶ Material must meet maximum metals concentrations and pathogen density limits
- ▶ Limits on the application frequency and depth

Key Changes

§17852(a)(4.5) Agricultural By-Product Material

- ▶ Agricultural By-Product Material is defined, and it is specified that the material is not subject to the land application requirements found in §17852(24.5)

Key Changes

§17852(a)(20) Food Material

§17852(a)(20)(A) Vegetative Food Material

- ▶ Vegetative food material is included as a subset of the food material definition
- ▶ Requires a Registration permit for the composting of vegetative food material

Key Changes

§17855(a)(4) Excluded Activities

- ▶ Excludes from regulation the composting of less than 100 yd³ of material within a 750 ft² area of green material, agricultural material, food material, or vegetative food material, from any source, alone or in combination

Key Changes

§17863.4 Odor Impact Minimization Plan

- ▶ Requires odors to be minimized so as to not cause a “nuisance”
- ▶ EA required to investigate odor complaints and record specified information as part of the investigation
- ▶ EA can require operator to prepare and implement an Odor BMP Feasibility Report and take additional reasonable and feasible measures
- ▶ An operator can voluntarily prepare an Odor BMP Feasibility Report

Key Changes

§17896.6(a)(1) - Publicly Owned Treatment Works Exclusion

- ▶ Excludes co-digestion at POTWs that receive vehicle-transported anaerobically digestible material
- ▶ Anaerobically digestible material only includes inedible kitchen grease, food and vegetative food material.
- ▶ Material must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped
- ▶ The POTW must implement Standard Operating Procedures

Key Changes

§17896.6(a)(3) In-vessel Dairy Digester Exclusion

- ▶ Excludes dairies that co-digest manure and agricultural material and/or imported vegetative food material in accordance with WDRs issued by a RWQCB
- ▶ Imported materials must be pumped or off-loaded directly into a covered, leak-proof container and then pumped, or diluted or slurried and then pumped, and co-digested in an in-vessel digester

Key Changes

§17896.9 Dairy In-Vessel Digestion Operations

- ▶ Dairies that import solid waste to co-digest with manure in accordance with WDRs issued by a RWQCB
- ▶ Requires additional EA inspections

Key Changes

§17896.57 Digestate Handling

- ▶ Digestate removed from a digester must be:
 - ▶ Stored or processed in a sealed container or sealed structure,
 - ▶ Incorporated in an on-site aerobic compost process, or
 - ▶ Removed from the site and:
 - ▶ transported to another solid waste facility or operation
 - ▶ used in a manner approved by local, state, and federal agencies, or
 - ▶ properly disposed

Economic/Financial Impact

- ▶ CalRecycle prepared a Standardized Regulatory Impact Analysis (SRIA), pursuant to Government Code section 11346.3(c)(1), and
- ▶ Economic and Fiscal Impact Statement (STD. 399), pursuant to State Administrative Manual

Request for Approval

- ▶ Staff recommends adoption of the proposed revised Compostable Materials, Transfer/Processing Regulations
- ▶ If the regulations are adopted staff will complete the rule making package to be submitted to the Office of Administrative Law for approval and publishing